

THE HONOURABLE SRI JUSTICE V.ESWARAIAH

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WRIT PETITION No :19392 OF 2007

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DATED:13-09-2007

BETWEEN:

Kommoju Apparao.

..... PETITIONER

AND

The Revenue Divisional Officer,
Rampachodavaram,
East Godavari District & another.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioner questions the notice, dated 05-08-2007, in Ref.No.B/34/2007 issued by the 2nd respondent-Tahsildar, Rajavommangi mandal, East Godavari District directing the petitioner not to carry on any agricultural operations in the occupied land of Ac.2.00 situated in Pandavaricheruvu. It is stated that this Court also directed not to carry on any cultivation in the said land.

3. Learned Government Pleader submits that the number of the Writ Petition given in the notice does not relate to the correct number but some wrong number has been given.

4. It is the case of the petitioner that he is in occupation of the said land and even if he is an encroacher, appropriate proceedings under the provisions of the Land Encroachment Act,1905 (for brevity, 'the Act') have to be initiated, and without giving appropriate notice and without offering reasonable opportunity respondents cannot evict the petitioner even under the said Act.

5. Having regard to the facts and circumstances of the case, impugned notice is directed to be treated as a show cause notice

only, permitting the petitioner to submit his explanation within one week from the date of receipt of a copy of this order and on filing such explanation before the 2nd respondent, the 2nd respondent may take appropriate action after giving reasonable opportunity by passing appropriate orders in accordance with law. Till the final orders are passed *status quo* obtaining as on today shall be maintained.

6. Accordingly, Writ Petition is disposed of. There shall be no order as to costs.

V.ESWARAIAH,J

13th September, 2007.

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